

Hans W. Herb, Esq. SBN 136018
LAW OFFICES OF HANS W. HERB
P. O. Box 970
Santa Rosa, CA 95402
707/576-0757
707/575-0364 Fax
hans@tankman.com

Attorney for Defendant and
Cross-Claimant, Richard Mayfield

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PINOLEVILLE POMO NATION, *et al.*,
Plaintiffs,
v.
UKIAH AUTO DISMANTLERS, *et al.*,
Defendants.

Case No.: C-07-2648 SI

**RICHARD MAYFIELD'S OBJECTIONS
TO EVIDENCE OFFERED BY
PLAINTIFFS IN SUPPORT OF AND IN
REPLY TO MOTION FOR PRELIMINARY
INJUNCTION**

RICHARD MAYFIELD
Cross-Claimant,
v.
PINOLEVILLE POMO NATION;
PINOLEVILLE POMO NATION
ENVIRONMENTAL ASSOCIATION;
LEONA WILLIAMS; and, UKIAH AUTO
DISMANTLERS,
Cross-Defendants.

Date: June 25, 2008
Time: 1:30 p.m.
Dept: C, 15th Floor

Hon. Susan Illston

Defendant and Cross-Claimant, Richard Mayfield, recognizes that the Federal Rules of Evidence do not apply to preliminary injunction hearings. (See *Heideman v. Salt Lake City*, 348 F.3d 1182, 1188 (10th Cir. 2003) ("The Federal Rules of Evidence do not apply to preliminary injunction hearings."); see also *Flynt Dist. Co., Inc. v. Leon Harvey*, 734 F.2d 1389 (9th Cir. 1984).) But at some point, there are limits.

1 In particular, Richard Mayfield objects to the non-expert analysis by George O.
2 Provencher purporting to evaluate and analyze the testimony of others. (See *U.S. v.*
3 *W.R. Grace*, 504 F.3d 745 (9th Cir. 2007); see also *Daubert v. Merrill Dow*
4 *Pharmaceuticals, Inc.*, 509 U.S. 579, 587-89 [113 S.Ct. 2786, 2796] (1993).)

5 Here, the general manager of one of the plaintiffs purports to analyze various
6 expert reports for the benefit of the court.

7 In addition to being hearsay, the declarant now readily admits his opinion is
8 factually inaccurate, based on the declarant's misunderstandings. Hence, Rick Mayfield
9 objects.

10 Dated: June 20, 2008

LAW OFFICES OF HANS W. HERB

11 /s/
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13 _____
14 Hans W. Herb
15 Attorney for Defendant and
16 Cross-Claimant, Richard Mayfield
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